

Senate Daily Reader

Wednesday, February 18, 2004

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State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0393

HOUSE ENGROSSED NO. **HB 1049** - 01/21/2004

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to establish the definition of a payday loan and to establish
2 limitations on such transactions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 54-4-36 be amended to read as follows:

5 54-4-36. Terms used in §§ 54-4-36 to 54-4-63, inclusive, and sections 2 and 3 of this Act
6 mean:

7 (1) "Advertisement," a commercial message in any medium that aids, promotes, or
8 assists, directly or indirectly, the sale of products or services;

9 (1A) "Commission," the State Banking Commission;

10 (1B) "Director," the director of the Division of Banking of the Department of Commerce
11 and Regulation;

12 (1C) "Division," the Division of Banking;

13 (3) "Finance charge," the amount, however denominated, which is paid or payable for
14 the privilege of paying for goods or services in one or more installments at the
15 beginning of the transaction;



- 1 (4) "Financing institutions," any person engaged in the business of creating and holding
2 or purchasing or acquiring retail installment contracts;
- 3 (6) "Installment loan," a loan made to be repaid in specified amounts over a certain
4 number of months;
- 5 (7) "License," a license provided by §§ 54-4-36 to 54-4-63, inclusive;
- 6 (8) "Installment loan contract" or "contract," an agreement evidencing a installment loan
7 transaction;
- 8 (9) "Licensee," any person holding a license;
- 9 (10) "Loan," any installment loan, single pay loan, or open-end loan which may be
10 unsecured or secured by real or personal property; and
- 11 (11) "Payday loan," any small, short-maturity loan on the security of a check, any
12 assignment of an interest in the account of a person at a depository institution, any
13 authorization to debit the person's deposit account, or any assignment of salary or
14 wages payable to a person. A short-maturity loan made in anticipation of an income
15 tax refund is not a payday loan for purposes of this chapter.

16 Section 2. That § 54-4-65 be amended to read as follows:

17 54-4-65. No licensee may renew, rollover, or flip a ~~deferred presentment service transaction~~
18 payday loan more than four times. No renewal, rollover, or flip ~~may be allowed~~ is valid unless
19 the ~~maker of the check~~ debtor pays the outstanding fee at the time of the renewal.

20 Section 3. That § 54-4-66 be amended to read as follows:

21 54-4-66. ~~A licensee may not disburse more than five hundred dollars to the maker of a check~~
22 ~~in a deferred presentment service transaction. No payday loan disbursed by a licensee may~~
23 exceed five hundred dollars. A violation of this section is a Class 1 misdemeanor.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

695J0125

SENATE EDUCATION COMMITTEE ENGROSSED NO.

HB 1114 - 02/12/2004

Introduced by: Representatives Dykstra, Bartling, Christensen, Gillespie, Hackl, Olson
(Mel), and Peterson (Jim) and Senators Albers, Abdallah, Kooistra, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to school district
2 boundary changes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-6-84.1 be amended to read as follows:

5 13-6-84.1. In all proposed changes in school district boundaries, the following conditions
6 shall prevail:

7 (1) The boundary of the area proposed to be transferred shall be coterminous at some
8 point with the common boundary of the two school districts. Land owned by the
9 federal, state, or local governments and unoccupied land ~~owned by a nonresident~~
10 ~~individual or corporation~~ may be included in the request;

11 (2) Children must reside within the boundary of the area to be transferred, unless it is an
12 area change initiated by a school board as provided in § 13-6-84.2.

13 Section 2. That § 13-6-85 be amended to read as follows:

14 13-6-85. A boundary change, affecting not more than two percent of the assessed valuation
15 and not more than two percent of the tax-exempt acreage or other tax-exempt property to be



1 determined at the discretion of the school district from which the area is to be taken, may be
2 made upon an application for a boundary change to the school board of the school district from
3 which the area is to be taken and to the school board of the school district to which the area is
4 to be annexed, in the form of a petition signed by ~~over fifty percent~~ all of the ~~voters residing~~
5 owners of land, excluding land owned by the state or any other political subdivision in the area
6 to be transferred by the boundary change. Copies of the petitions shall also be delivered by the
7 petitioners to the board of county commissioners having jurisdiction over the school districts
8 affected. Any petitioner who is aggrieved by a decision of the school board under this section
9 may appeal that decision.

10 An appeal from the decision of the school board may be made to the circuit court in the time
11 and manner specified by § 13-46-1 or to the secretary of the Department of Education or ~~his~~ the
12 secretary's representative within thirty days from the date of the decision of the school board by
13 filing a notice with the secretary of the school board and mailing a copy ~~thereof~~ of the notice to
14 the secretary of the Department of Education. An appeal to the secretary of the Department of
15 Education may be heard by the secretary or ~~his~~ the secretary's representative. The secretary of
16 the Department of Education shall thereafter set a time and place for the hearing and give at
17 least ten days' written notice of the hearing to the parties involved in the appeal, including all
18 affected school districts. An appeal to the secretary is not a "contested case" subject to chapter
19 1-26. An appeal from the decision of the secretary may be made pursuant to § 13-6-89. On
20 appeal from a decision of the secretary, the appeal shall be heard and determined in the same
21 manner as a direct appeal from the school board decision pursuant to § 13-6-89 and chapter
22 13-46 without any presumption of the correctness of the decision of the secretary nor may the
23 provisions of § 1-26-36 be applied to the decision of the secretary. Nothing in this section ~~shall~~
24 ~~affect~~ affects the right of an aggrieved party to appeal from the decision of the school board to

1 the circuit court.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

833J0580

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1153** - 01/30/2004

Introduced by: Representatives Peterson (Bill), Madsen, Michels, and Olson (Mel) and
Senators Bogue, Brown, and Moore

1 FOR AN ACT ENTITLED, An Act to create a constitutional revision commission to make a
2 comprehensive study of the legislative article and related statutes and to consider and
3 recommend legislation for the improvement of the legislative article and related statutes.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. A commission is hereby created to provide for and enter into a comprehensive
6 study of Article III of the South Dakota Constitution and related statutes pertaining to the
7 Legislature to determine ways and means to improve Article III of the Constitution and related
8 statutes pertaining to the Legislature.

9 Section 2. The commission shall consist of seventeen members to be appointed as follows:

10 (1) Three by the president pro tempore of the South Dakota Senate, from former
11 members thereof, no more than two may be from one political party;

12 (2) Three by the speaker of the South Dakota House of Representatives, from former
13 members thereof, no more than two may be from one political party;

14 (3) Three by the Governor of South Dakota, each of whom shall be residents of the state
15 and no more than two may be from one political party;



1 (4) Three by the Governor of South Dakota, each of whom shall have a current or former
2 executive branch employment experience and no more than two may be from one
3 political party;

4 (5) Three by the Chief Justice of the Supreme Court of South Dakota from the members
5 in good standing of the State Bar of South Dakota, one of whom may be a judge of
6 a court of record in this state and no more than two may be from one political party;
7 and

8 (6) Two by the Governor, each of whom shall be a faculty member of a university or
9 college political science department located in the state.

10 Section 3. The commission shall meet during the 2004 and 2005 legislative interims. The
11 commission may hold meetings and hearings at times and places as it may designate. It shall
12 elect a chair, vice-chair, and such other officers from its membership as it deems necessary.

13 Section 4. The Legislative Research Council shall serve as the secretariat of the commission.
14 The Legislative Research Council shall assist in the conduct of such studies as may be directed
15 by the commission, utilizing the aid of consultants, private organizations, and institutions.

16 Section 5. The members of the commission shall be compensated in the same manner as
17 members of an interim legislative committee.

18 Section 6. The commission shall report its findings and recommendations in the form of
19 proposed amendments to the Constitution or the statutes to the Legislature at its regular session
20 in 2006. The content of any proposed constitutional amendment may only apply to the
21 Legislative article and may not affect the powers, duties, and responsibilities described in any
22 other article of the State Constitution.

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

282J0596

HOUSE ENGROSSED NO. **HB 1157** - 02/06/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Cutler, Madsen, Michels, and O'Brien and Senators Bogue, Earley, McCracken, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide a limitation of lender environmental liability for
2 cleanup and remediation costs if providing financing for a site participating in a brownfields
3 revitalization and economic development program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 34A-15 be amended by adding thereto a NEW SECTION to read
6 as follows:

7 Notwithstanding the provisions of § 34A-15-6, a lender-owner is not liable for
8 environmental, response, cleanup, or remediation costs at a brownfields site approved by the
9 Department of Environment and Natural Resources for participation in the state brownfields
10 revitalization and economic development program unless:

11 (1) The lender-owner, its employees, or agents directly cause an immediate release or
12 directly exacerbate a release of the regulated substances on or from the property or
13 directly violate any environmental statute or regulation; or

14 (2) The lender-owner, its employees, or agents knowingly and willfully compelled the
15 borrower to:



1 (a) Perform an action that caused an immediate release of regulated substances in
2 excess of reportable quantities; or

3 (b) Violate any environmental statute or regulation.

4 Liability pursuant to this section is limited to the cost for a response action or remediation
5 that is directly attributable to the lender-owner's activities set forth in subdivisions (1) and (2)
6 of this section. Liability arises only if the lender-owner's actions were the proximate cause of
7 the release or violation. Ownership or control of the property pursuant to a security interest
8 during or after foreclosure does not by itself result in liability. No lender-owner is liable for any
9 response action or remediation if the response action or remediation arises solely from a release
10 of regulated substances in excess of reportable quantities that occurred before or commences
11 before and continues after foreclosure. However, the lender-owner is responsible for the portion
12 of the response action or remediation that is directly attributable to the lender-owner's
13 aggravation of a release. A release of regulated substances in excess of reportable quantities
14 discovered in the course of conducting environmental due diligence is presumed to be a prior
15 or continuing release on the property.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

381J0464

SENATE APPROPRIATIONS COMMITTEE ENGROSSED NO. **HB 1175** - 02/13/2004

Introduced by: Representatives Madsen, Cutler, Haverly, Michels, and O'Brien and Senators Earley, Bogue, McCracken, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to establish the brownfields revitalization and economic
2 development program and to provide for the continuous appropriation of certain federal
3 funds.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Terms used in this Act mean:

8 (1) "Brownfields revitalization and economic development program," a program to
9 provide funding to assist in the assessment, cleanup, and redevelopment of
10 brownfields sites;

11 (2) "Brownfields site," real property, the expansion, redevelopment, economic
12 development, or reuse of which may be complicated by the presence or potential
13 presence of a hazardous substance, pollutant, or contaminant;

14 (3) "Petroleum," petroleum substances, oil, gasoline, kerosene, fuel oil, oil sludge, oil
15 refuse, oil mixed with other wastes, crude oils, substances, or additives to be utilized



1 in the refining or blending of crude petroleum or petroleum stock, and any other oil
2 or petroleum substance;

3 (4) "Petroleum contaminated site," a site contaminated by petroleum; and

4 (5) "Real property," residential, commercial, or industrial properties.

5 Section 2. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The state brownfields revitalization and economic development program is hereby
8 established. A brownfields revolving loan subfund and a brownfields assessment and cleanup
9 subfund are created within the water and environment fund established pursuant to § 46A-1-60.
10 The subfunds shall be maintained separately; and all money for use in the program shall be
11 deposited into the subfunds, including the nonadministrative portion of all federal brownfields
12 revitalization program grants, all repayments of assistance awarded from the subfunds, interest
13 on investments made on money in the subfunds, proceeds of discretionary bond issues allowed
14 by § 46A-1-31, and principal and interest on loans made from the subfunds. Money in the
15 subfunds may be used only for purposes authorized under federal law. The subfunds may be
16 pledged or assigned by the district to or in trust for the holders of the bonds of the district and
17 may be transferred to and held by a trustee or trustees pursuant to § 46A-1-39.

18 Section 3. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 Money from the brownfields revitalization and economic development program subfunds
21 shall be disbursed and administered according to rules promulgated by the Board of Water and
22 Natural Resources pursuant to chapter 1-26, § 46A-1-65, and the provisions of this Act. The
23 provisions of §§ 46A-1-61 to 46A-1-69, inclusive, do not apply to the brownfields
24 revitalization and economic development program subfunds of the water and environment fund

1 or grants and loans from the subfunds made under the brownfields revitalization and economic
2 development program described in sections 2 to 5 of this Act, inclusive.

3 Section 4. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The Board of Water and Natural Resources shall promulgate rules pursuant to chapter 1-26
6 to implement the provisions of this Act consistent with the requirements of federal law in order
7 for an approved brownfields revitalization and economic development program to become
8 eligible for grant funds from the United States Environmental Protection Agency. The rules
9 shall include criteria and procedures for the selection of projects to receive funds from the
10 brownfields revitalization and economic development program and for the administration of
11 the program including the terms of settlement for program participants pursuant to § 34A-10-17.

12 Section 5. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The brownfields revitalization and economic development program subfunds are hereby
15 continuously appropriated to the South Dakota Board of Water and Natural Resources. Money
16 received for these programs may be used only for purposes authorized by the federal Small
17 Business Liability Relief and Brownfields Revitalization Act (P.L. 107-118) as amended to
18 January 1, 2004.

19 Section 6. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Any eligible entity may establish a brownfields program to prevent, assess, safely clean up,
22 promote the economic development of, and sustainably reuse eligible brownfields sites as
23 authorized in the Comprehensive Environmental Response, Compensation, and Liability Act
24 of 1980, as amended to January 1, 2004, and in the Small Business Liability Relief and

1 Brownfields Revitalization Act, P.L. 107-118 as amended to January 1, 2004.

2 Section 7. That chapter 46A-1 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any eligible entity establishing a brownfields program may exercise all powers necessary
5 or appropriate to carry out the purposes of this Act, including the following:

- 6 (1) To acquire by lease, purchase, gift, or other lawful means and hold in its corporate
7 name or use and control as provided by law both real and personal property and
8 easements and rights-of-way within or without the corporate limits for all purposes
9 authorized by this Act or necessary to the exercise of any power granted in this Act;
- 10 (2) To convey, sell, give, dispose of, or lease both the personal and real property of the
11 municipality or county as provided by this Act;
- 12 (3) To borrow money and to issue certificates, warrants, general obligation bonds and
13 non-ad valorem tax bonds for purposes of this Act;
- 14 (4) To accept funds, property, and services or other assistance, financial or otherwise,
15 from federal, state, and other public and private sources to carry out the purposes of
16 this Act;
- 17 (5) To contract or cooperate with any person, the state, or any political subdivision of the
18 state, any federal agency, or any private or public entity to carry out the purposes of
19 this Act;
- 20 (6) To plan, develop, construct, acquire, operate, clean, maintain, repair, alter, renovate,
21 salvage, demolish, secure, abandon, consolidate, reclaim, or gather data and
22 information concerning any brownfields site, or any related development, structure,
23 or facility necessary to carry out the purposes of this Act;
- 24 (7) To apply for available grant funds and other governmental and nongovernmental

- 1 financing options to promote the cleanup, reuse, revitalization, and economic
- 2 development of the property consistent with the purposes of this Act; and
- 3 (8) To do and perform all acts authorized in this Act and all other acts necessary and
- 4 proper for carrying out and exercising the powers granted by this Act.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

427J0472

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1176** - 02/13/2004

Introduced by: Representatives Madsen, Gillespie, McCaulley, Michels, and Weems and
Senators Albers and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise the definition of criminal pedophilia.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-22-30.1 be amended to read as follows:

4 22-22-30.1. Criminal pedophilia is any act of sexual penetration accomplished with a victim
5 less than thirteen years of age by any person twenty-six years of age or older ~~under any~~
6 ~~circumstances not constituting incest as defined in subdivision 22-22-1(6).~~ Criminal pedophilia
7 is a Class 1 felony. If any person is convicted of criminal pedophilia, the court shall impose a
8 minimum sentence of twenty-five years for a first offense. If any person is convicted for a
9 second offense, the factual basis for which occurred after the date of the first conviction, the
10 court shall impose a sentence of life without parole.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

366J0600

SENATE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1195** -

02/12/2004

Introduced by: Representatives Peterson (Jim) and Begalka and Senator Diedrich (Larry)

1 FOR AN ACT ENTITLED, An Act to revise the method used to value agricultural property.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If the median market value per acre for noncropland within a county deviates by more than
6 ten percent from the county median market value per acre of cropland, the county director of
7 equalization may make an adjustment to a noncropland parcel based on the percentage
8 difference between cropland and noncropland cash rent. The cash rent information shall be
9 obtained pursuant to § 10-6-33.25. For the purposes of this section, the term, noncropland,
10 means any native grassland or land seeded to grass with a soil capability rating less than the
11 county weighted average rating.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

761J0587

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1202** - 02/13/2004

Introduced by: Representatives Peterson (Bill) and Olson (Mel) and Senators Brown, Bogue, Ham-Burr, and Moore

1 FOR AN ACT ENTITLED, An Act to create a task force to study state and local government.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. There is hereby created a task force to study the roles of state and local
4 government in the state. The task force shall review the responsibilities assigned by the
5 Constitution and state law to state, county, and municipal governments and to school districts.
6 The task force shall review the functions that have been implemented by these entities of
7 government to fulfill their assigned responsibilities. The task force shall review the funding
8 sources that are available to each of these entities to perform their assigned responsibilities. The
9 task force shall identify any unfunded mandates that have been place on any of these entities and
10 shall explore options to provide for the funding of the mandates or for the elimination of the
11 mandates. The task force shall explore areas where intergovernmental cooperation may be
12 fostered in the future. The task force shall explore areas where governmental responsibilities
13 may be revised to improve the services provided by state and local governments to the citizens
14 of the state.

15 Section 2. The state and local government task force shall consist of twenty-two members.



1 The Governor shall appoint the following members:

- 2 (1) Three representing county government, no more than two of whom may be from one
3 political party;
- 4 (2) Three representing municipal government, no more than two of whom may be from
5 one political party;
- 6 (3) Three representing school districts, no more than two of whom may be from one
7 political party;
- 8 (4) Three faculty members of a university or college political science department, no
9 more than two of whom may be from one political party; and
- 10 (5) Six members of the general public, no more than four of whom may be from one
11 political party.

12 In addition, the president pro tempore of the Senate shall appoint two members of the
13 Senate, one from each party; and the speaker of the House of Representatives shall appoint two
14 members of the House of Representatives, one from each party. The Governor shall select the
15 chair of the task force.

16 Section 3. The task force shall meet in 2004 and 2005. The task force may hold meetings
17 and hearings at times and places as it may designate. The task force shall report its findings and
18 recommendations to the Legislature at its regular session in 2006.

19 Section 4. The Legislative Research Council shall serve as staff to the task force.

20 Section 5. The members of the task force shall be compensated in the same manner as
21 members of an interim committee.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

480J0658

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB 1221** - 02/03/2004

Introduced by: Representative Wick and Senator Kelly

1 FOR AN ACT ENTITLED, An Act to require certain publishers to provide electronic versions
2 of textbooks suitable for conversion into Braille.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Upon request, a publisher of a textbook that is adopted for instructional use by
5 a school district shall furnish the South Dakota State Library with an electronic version of the
6 textbook if the textbook is for a literary subject; or, if the textbook is for a nonliterary subject,
7 such as natural sciences, computer science, mathematics, or music, an electronic version shall
8 be furnished if the technology is available to convert the textbook directly to a format
9 compatible with Braille translation software. The publisher shall provide the electronic file to
10 the requesting agency within sixty days of receiving written notice that the file is needed. The
11 cost of the electronic publisher's file may not exceed the cost of a print copy of the same title.
12 Legacy materials are exempt from the requirements of this section. For purposes of this section,
13 the term, legacy, means images and graphics requiring release and permission from another
14 source other than the publisher. The Department of Education shall oversee the process
15 established in this section to ensure that the textbooks and electronic files arrive by the start of



1 the school year.

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

185J0008

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1222** - 01/30/2004

Introduced by: Representatives Peterson (Bill), Adelstein, Bartling, Begalka, Bradford, Buckingham, Christensen, Craddock, Cutler, Davis, Deadrick (Thomas), Dykstra, Elliott, Engels, Frost, Fryslie, Garnos, Gassman, Gillespie, Glenski, Hackl, Hanson, Hargens, Haverly, Hennies, Hundstad, Hunhoff, Juhnke, Konold, Kraus, Kroger, LaRue, Lintz, Madsen, McCaulley, McCoy, McLaughlin, Michels, Miles, Murschel, Nesselhuf, Novstrup, O'Brien, Olson (Mel), Olson (Ryan), Pederson (Gordon), Peterson (Jim), Rave, Rhoden, Rounds, Schafer, Sebert, Sigdestad, Smidt, Solum, Teupel, Thompson, Valandra, Van Etten, Van Gerpen, Van Norman, Weems, Wick, and Williamson and Senators Brown, Abdallah, Albers, Apa, Bogue, de Hueck, Dempster, Dennert, Duenwald, Duniphan, Duxbury, Earley, Greenfield, Ham-Burr, Jaspers, Kleven, Kloucek, Koetzle, McCracken, Moore, Nachtigal, Napoli, Reedy, Schoenbeck, Sutton (Dan), Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to designate the seventeenth day of April as Joe Foss Day.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 1-5 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The seventeenth day of April, to be known as Joe Foss Day, shall be observed in this state
6 as a working holiday. Joe Foss Day is dedicated to the remembrance and recognition of South
7 Dakota's favorite son and war hero, Governor Joe Foss.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

177J0117

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB 1248** - 02/07/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Rounds, Olson (Ryan), and Pederson (Gordon) and Senators de Hueck and Koskan

1 FOR AN ACT ENTITLED, An Act to permit counties, in the absence of an organized township,
2 to maintain, and improve certain public rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-13-51 be amended to read as follows:

5 31-13-51. The township board of supervisors or, in the case of any township which is no
6 longer organized, the board of county commissioners, prior to the assessment of real property
7 within the township for the next fiscal year, may levy annually for the purpose of maintaining
8 or repairing street surfaces, whether of a permanent type or not, a special front foot assessment
9 not to exceed eighty cents per front foot upon the real property fronting and abutting the
10 roadway. Such assessment shall be apportioned on a front foot basis and shall be levied pursuant
11 to § 31-13-52.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0352

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **SB 25** - 02/10/2004

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the cancellation of
2 automobile insurance policies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-11-47 be amended to read as follows:

5 58-11-47. The provisions of § 58-11-46 ~~shall~~ do not apply to any policy or coverage ~~which~~
6 that has been in effect less than sixty days at the time notice of cancellation is mailed or
7 delivered by the insurer unless it is a renewal policy. The notice provisions of § 58-11-49 apply
8 to any policy for which notice to cancel is given prior to sixty days from the policy effective
9 date. A policy that has been in effect for less than sixty days may be cancelled for any reason
10 if the notice is given prior to the expiration of sixty days from the policy effective date.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

834J0244

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 72** - 02/10/2004

Introduced by: Senators Kelly, Kooistra, and Reedy and Representatives Kraus, Kroger, and Rave

1 FOR AN ACT ENTITLED, An Act to revise the provisions relating to certain municipal
2 ordinance adoption and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-24-25.1 be amended to read as follows:

5 22-24-25.1. A county or municipality may provide, by ordinance, for a contemporary
6 community standards test to regulate the sale, distribution, and use of obscene material and to
7 regulate obscene live conduct in any commercial establishment or public place within its
8 jurisdiction. ~~The ordinance shall be referred to the electorate at the next regular municipal or~~
9 ~~general election, and upon approval of a majority of those voting in the election, become law.~~

10 Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace,
11 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
12 effect from and after its passage and approval.

